

## WATER SERVICE AGREEMENT

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2003, by and between the Village of Downers Grove, an Illinois municipal corporation (hereinafter referred to as the "Village") and \_\_\_\_\_ the owner(s) of record of the property located at \_\_\_\_\_, Downers Grove, Illinois, (hereinafter referred to as the "Owner(s)").

WHEREAS, the Owner(s) are the owners of record of certain real estate legally described as follows:

(PIN: \_\_\_\_-\_\_\_\_-\_\_\_\_)

(PIN: \_\_\_\_-\_\_\_\_-\_\_\_\_)

(Common Address: \_\_\_\_\_ Downers Grove, Illinois)

(hereinafter referred to as the Property);

WHEREAS, the Village has previously adopted a Village Council Policy establishing procedures for providing water service to the areas commonly known as Downers Grove Gardens, Belmont Park, North Belmont Park, Maple Hill and other areas in DuPage County where there is believed to be contaminated water wells (collectively referred to as "the Primary Service Area", as more accurately depicted in Ordinance No. 4524);

WHEREAS, the Property is located within the aforementioned area;

WHEREAS, the Owner(s) desire that the Property be connected to the Village water system in accordance with the Village Council Policy;

NOW, THEREFORE, in consideration of the mutual covenants, agreements, terms and conditions herein set forth, the Parties agree as follows:

1. The Village shall connect the Property to the Village water system upon the execution of this Agreement; the submittal of a properly executed New Water Service Permit Application and the submittal of a properly executed DuPage County Installation Agreement.
2. The Owner(s) shall pay to the Village a Special Water Service Charge of Two-Thousand Dollars (\$2,000.00). If the Property is located within the area commonly known as North Belmont Park, the Owner(s) shall not be required to pay said Special Water Service Charge.
  - i. At the option of the Owner(s), the Special Water Service Charge may be paid, without interest, over a ten (10) year period in sixty (60) equal installments as a surcharge on the bi-monthly water consumption



invoice.

- ii. In the event the Owner(s) elect to pay the Special Water Service Charge by means of a surcharge on the water consumption invoice, the Village shall file with the DuPage County Recorder of Deeds Office, a Notice of Special Water Service Charge covering the amount of unpaid water system service charges, which notice shall contain a description of the property benefited by such water system connection sufficient for identification thereof; the date of connection to the water system; and the existence of a surcharge on water service. Upon payment of the balance due, the Village shall issue a release of such Notice of Special Water Service Charge, which may be filed by the Owner(s) in said recorder's office.
  - iii. In the event the Owner(s) sell the Property prior to the Special Water Service Charge being paid in full, the remaining balance due shall become due and owing to the Village, unless such obligation is assigned and accepted by, in writing, to the subsequent purchasers of the Property. The Special Water Service Charge is a personal obligation and does not run with the land.
  - iv. In the event Owner(s) default on any payment owed to the Village in connection with the Owner(s) water consumption invoice, the full outstanding balance shall become due and owing to the Village. The Village may bring any legal action it deems appropriate to collect any amount(s) owed, after giving notice of such default, including but not limited to water shut-off. The Village shall be entitled to reasonable attorney's fees as part of any judgment rendered in its favor.
3. Owner(s) shall permit the Village, the County of DuPage (County), and their officers, directors, employees, agents, contractors and subcontractors authority to enter onto the Property, including access to any structure thereon, for the purpose of undertaking any inspections, measurements, surveys, investigations, tests, observations, excavations, work, repairs, maintenance, restoration or any other activity related to the connection of the Property to the Village water system, including but not limited to, installing the water service line, the water meter, the sealing of the existing well, etc.
4. The Village, the County and their agents and contractors shall perform any work hereby authorized with reasonable care, skill and diligence. Work shall be performed in such a way as to avoid harm to improvements adjacent to the work. In the event the work negatively disturbs the Owner's (s') property, the disturbed area shall be restored to the condition that existed before the disturbance thereof.
5. The Owner(s) on behalf of all owners and occupants of the Property, waives and releases the Village, the County of DuPage, and each of the participating companies providing funding for the water connection, from all claims pertaining to any such connection and/or groundwater contamination or

condition, if any, except for any potential claims: (a) regarding personal (bodily) injury or property damage; (b) seeking recovery of the \$2000 Village connection charge; or (c) seeking recovery of costs incurred by the Owner(s) prior to August 15, 2003.

6. Owner(s) agree to abide by all Village rules and regulations regarding water usage and consumption, including all ordinances, as provided for in Chapter 25 of the Downers Grove Municipal Code, as now or hereafter amended (except Section 25-40 as it relates to connection fees, as the connection fees shall be governed by this Agreement).

OWNER(S)

VILLAGE OF DOWNERS GROVE

By: \_\_\_\_\_

By: \_\_\_\_\_

Village Manager

\_\_\_\_\_  
(print name)

Attest: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
(print name)

Date: \_\_\_\_\_

Please select your payment option:

\_\_\_\_\_ Enclosed is the \$2,000.00 Special Water Service Charge.

\_\_\_\_\_ I elect to pay the Village the \$2,000.00 Special Water Service Charge in sixty (60) equal installment payments, in accordance with Paragraph 2 of this Agreement.

\_\_\_\_\_ My property is located within the area commonly known as North Belmont Park.